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Truth, Justice, and Reconciliation Commission, "Public Hearing Transcripts - Rift Valley - Kericho - RTJRC20.09 (Kipsigis County Hall) (Women's Hearing)" (2011). *I. Core TJRC Related Documents*. 96.
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**ORAL SUBMISSIONS MADE TO THE TRUTH, JUSTICE AND
RECONCILIATION COMMISSION ON TUESDAY, 20th
SEPTEMBER, 2011 AT KIPSIGIS COUNTY HALL, KERICHO-**

Women

PRESENT

Tecla Namachanja Wanjala - **The Acting Chair, Kenya**

Gertrude Chawatama - **Commissioner, Kenya**

SECRETARIAT

Ms. Anne Kiprotich - **Leader of Evidence**

(Opening Prayer)

(The Commission commenced at 10.45 a.m.)

Ms. Ann Kiprotich: I want to take this opportunity to introduce you to the Commissioners. They are women like us. This is a meeting for women only. As you have seen, there are only women in this hall. I want to welcome all the Commissioners and all those who have come to attend today's hearing.

The Acting Chair (Commissioner Namachanja): Good morning. As you have heard from the songs, today is our day. The hearings are on. We wanted to get this special opportunity so that we can speak out all that is in our hearts. We would like you to speak about the things that have been in your hearts for a long time but you have never had an opportunity to speak them out. God is great because we have a chance today. My name is Tecla Namachanja Wanjala, the Acting Chairlady of the Truth, Justice and Reconciliation Commission (TJRC). I am here today with my sister, a person who loves God and God has a reason why He allowed her to come to Kenya. She is our fellow sister and a High Court judge from Zambia. She left her country so that she could come and stay with us, pray with us and live with us. I have worked with her for two years and I have seen the hand of God through her, especially through her prayers. I would like you also to hear her voice as she introduces herself.

Commissioner Chawatama: Good morning, everybody. I would like to sing a song for you in my language because you are alive, well and you are here.

(Commissioner Chawatama sang a song)

Ms. Ann Kiprotich: Thank you very much, Commissioner. We did not hear her name but she will introduce herself now.

Commissioner Chawatama: My name is Judge Gertrude Chawatama. It is good to be here with all of you and I pray that as we sit here and discuss, many of you will find healing and those whose wounds have been open for so long will heal and that you would feel free to speak to us concerning matters that are very dear to your heart. I am a woman and I know that the life of women in Africa is not easy. Thank you so much for welcoming me.

Ms. Ann Kiprotich: Thank you. Ladies, as I had told you earlier, this is an open forum for anybody who would like to speak. If you want to speak, you can raise your hand and I will bring the microphone to you. This is the opportunity for women who have undergone pain that is still in our hearts. The Commission will listen to you today. You are free to use any language-- even Kipsigis or Kiswahili. So, if you are ready to speak, I would like you to raise your hand.

Ms. Seline Chepkemoi: My name is Ms. Seline Chepkemoi from Sotik. I am a single mother of three children; one boy and two girls. In 2008, I got many problems. On 1st February, 2008 my son, who was in secondary school, was killed by police officers. He was in Form II in Ngariat High School. During that conflict, they were told to come back home because the school is near the boundary of Kisii and Kipsigis. When he was at home, he left to go somewhere and before he even could walk for one mile, he was shot by a police officer and he died on the spot. I received a call from my neighbour at around 12.00 p.m. telling me that my son had been injured. I thought it was just an injury and that he could be treated but unfortunately, he had died on the spot. He was the only son I had. He was 17 years old. Since then, I have been affected a lot. As a single mother, I had tried so much to take care of my children since I was left alone by my husband. I have taken care of them and I have taken them to school. What shocked me was that it was the government officers who did it. There is no single day when an organization or commission has come to even ask me what happened. I was just left like that until today. I remember that day I was at the river fetching water when I received a call that Shadrack had been injured. They told me that he had been taken to Kaplong Mission Hospital. When I got that information, it pained me a lot in my heart and I fell down. Neighbours assisted me to walk until home. When I reached home, I found that people had already heard the bad news. They were just hanging around the compound without telling me anything. I just changed my clothes and left. I found people along the road but they could not talk to me although they had already known what had happened. I went to the bus station and found that the roads had been blocked. I met another neighbour near Sotik Police Station and he asked me where I was going. I told him that I was going to the hospital where my injured son had been taken. My uncle informed me that I could not use the road because it was blocked.

He advised me to go back home until around 4.00 p.m. so that we could go together to see my son but I was not satisfied with what he told me. I resisted and tried to go by force but my neighbour held me by the hand. My uncle held me on the left hand. I sat down in the middle of the road and told them that I was not going back home no matter what the situation was like. They advised and counselled me but I was adamant. I told them that I was not going back home until I saw my son. When my neighbor realized I could not

budge, he told me: “Your son has been taken to Tenneco Hospital”. That is a hospital they knew I could not go to by foot since it is far away in Bomet. He told me that he had been taken there so that the bullet that was lodged in his leg could be removed. I asked them: “Why do you not want me to go?” They replied: “You cannot go there because the roads are blocked.”

We were around six people. We screamed in town. I always have a premonition and I knew these people had lied to me. I sat on the road and said: “I am not going. Let the police officers find me here. I am not going back.” They held me by force and carried me. We went back home. When I got near my compound, they told me: “Even if you do what, your son will not wake up again”. I continued to cry. Very many people came and joined me. At around 4.00 p.m., I received a call from Kaplong’ Hospital. I was told: “Madam, Kaplong’ is a private hospital. We cannot allow a body that has been brought from outside to be preserved in our mortuary.” They told me to look for means of transport to take the body to a public hospital.

I, my brother and sister went to Sotik town where we found that our area councillor, who was nicknamed “Big Five” and whose real name is David Rotich, had already hired a vehicle. He bought a blanket so that we could transfer the body. We were taken to Kaplong Hospital where we found my son’s body lying on the floor. Blood was scattered everywhere. So, we took the body to Kapkatet Hospital and left it there. It was on a Friday. We could not go back to the hospital on Saturday. On the following Monday, we went to witness the postmortem on the body. The bullet head was removed from the chest. I was given the bullet head and I have it. The postmortem was done on Monday, 4th February, 2008. On Tuesday, we went and buried my son.

After the burial, I was left alone. I was very traumatized and I have never got anybody come to counsel or console me. I have been in pain all this long. My brother reported the killing to the police station because on Saturday I was weak. So, my brother and other neighbours went to the police station and recorded a statement.

I would like to thank the Commission so much for coming to hear our problems as women. We are very grateful. We love you and we are praying for you. Wherever you go, God will be with you so that as you fight for our rights, you get strength. Everything is possible in Jesus’ name.

That is all I had to tell you, Commissioners.

Ms. Ann Kiprotich: I am sorry, Seline. The Commissioners have heard you. I will now give the floor to another woman, so that she can talk to us.

We will now hear Janet Sikira from Bomet.

Ms. Janet Sikira: Commissioners, I was a mother of three children until 15th January, 2008. At that time, I had to be with my son in Londiani because I felt that as a result of those clashes, he could be insecure and might not know what to do. On that fateful day of

15th January, 2008, it appeared that the clashes had subsided. We needed school fees. So, we went to Molo where he had a bank account with Equity Bank. He was a graduate teacher at Kapchak Lankas Secondary School. He had done well. I have a record showing that out of my three sons, he was the best. He never fought with anybody in his lifetime.

After he went out, we waited for him up to 3.00 p.m. Since I am a Christian, I decided to pray. That was the time his body was found in Molo with 73 per cent burns. He was burnt for no good reason. We do not even own any land out there. I am alone because his father left and married somebody else. I struggled alone and used whatever I got from my employment to see him through school. He was a bright boy. It was a big loss to my life. He left my home very lonely. The record is here. They brutalised him in Molo for no reason at all. It was just because of the post-election issues about which I was least concerned.

I committed this matter to God because I did not get anywhere else to record a statement. I believe in God. So, I decided to leave everything to God. I have come here to just let you know what happened. Is the Government aware that such a thing happened? His documents are here. Others are in the house. This is what the doctor recorded when the body reached Nakuru Hospital. He died between Molo and another centre before Nakuru. I appreciate that one can die but the nature of his killing is what has disturbed me very much. I will not tell you the other difficulties that we encountered in trying to get the body out of Molo. It was very difficult. I cannot explain that to you because it was a very painful experience. We cannot keep this secret because it happened. When I tried to ask what happened, I was told that his assailants were avenging the death of a Kikuyu man who had been killed in Londiani.

Thank you. I cannot say anything more.

Commissioner Chawatama: Thank you very much for sharing your tragedy with us. It is not easy when a mother loses her son. From what you have said, he was the son of your strength – a gift from God. You have talked of the struggles you went through and you have asked whether the Government knows what you went through. That is why we are here as a Commission. We are here to give you a platform to speak out on things that have happened to you but which you have not been able to share with others so that we can make the Government aware of them. We will come up with a report in which we will be truthful about all that we have heard. We have to be faithful to you, the people we are meeting, and report the violations that you have gone through. I will come and take the papers that you want to leave with us, if those are copies.

Thank you.

Ms. Ann Kiprotich: We are very sorry, Janet. Let us get another woman who is ready to speak. I can see somebody's hand is raised. Please, tell us your name and then you tell us your story.

Ms. Rachael Keter: I am Rachael Keter from Manaret. During the fighting that was there on that particular day, people were killed in my house. The police were the ones who shot, and there was no way I could reveal this then. I do not want to hide anything. I saw everything that went on. I saw them do everything. It is because of the--- (?) that I have that I am still alive. I saw bad things happen. I saw three policemen who came and killed people. I am telling God to forgive them for they did not know what they were doing.

I do not have much to say. Mine is just to say that I saw what happened. When I heard that the Commission had come, I also decided that I would come and tell you what I saw.

That is all I have to say.

(There were off-record consultations)

Commissioner Chawatama: Let us carry on. Let us talk to a few others and then I will tell you what we would like to do with the witness who has just spoken. So, tell her that we will speak to her a little later.

Ms. Ann Kiprotich: Let us get another speaker to share her issues with us.

Ms. Rachael Towet: I am Rachael Towet. A problem arose and we saw it with our eyes. My son was there. He used to work at The African Islands. During the clashes, his car was stoned. I do not know why the car was stoned, but my son was involved. After that my son got sick. He was taken to Chamngunde Hospital but the hospital could not assist him. He was transferred to Eldoret, where he died. That son was my only hope.

He died in the month of March, 2008 and left behind six children. One of the children is now in Form One. My husband has died. I have a problem with the young children my son left behind. I am the only one who is left with the children. I do not get help from anywhere. I just rely on God. One child is in Class Eight right now and another one is in Form One. All of them look up to me.

Thank you. I do not have much to say.

Commissioner Chawatama: Thank you for your testimony. We have travelled all over the nation. We have found women such as you whose children have died and they are left to bring up their grandchildren without any help whatsoever. These are women who have worked hard to bring up their grandchildren and educate them, and who were looking forward to being looked after by their children. We are very sorry for your loss.

Thank you for sharing your story with us.

Ms. Ann Kiprotich: We are very sorry. I would like to acknowledge my fellow sisters who have joined us at the back of the hall. You are welcome. Feel free. You can also take this opportunity to speak to us so that this Commission can receive all your statements. I

would also like to say that we have different communities living in this particular area. As you speak, everyone should feel free; we will give everybody an opportunity to speak to us. We can also have people from the minority communities like the Ogiek if they are around. There is an opportunity for all of us.

If there is somebody who is ready to speak, you can raise your hand.

Ms. Winrose Sang’: I am Winrose Sang’ from Boita Location, Boita Sub-Location, Chapkitais Village. I am talking as a widow.

It was on 15th February, 2008, at around 8.00 a.m. I was digging my *shamba*. All of a sudden, two men approached me with unusual greetings. One of them was a pastor and the other a neighbour. Before they spoke to me, I had a premonition and a lot of fear. I thought of my husband who had left the homestead the previous day, but who had not returned home. They narrated to me the story about the sad news. One of them told me that my husband was shot dead together with two other teachers of St. Brigid’s Secondary School. I cried in a lot of pain. They tried to comfort me.

My late husband left a big gap in my family. He left behind four children who are still young and require a lot of care. The most important items are school fees and land. Frankly speaking, my husband left home for school at 7.00 a.m. in the morning. On the following day, I was told that he had been shot dead by the police. When they told me that, many thoughts went through my mind because he left children who were now in my care. The children need a lot of things from me. Truly speaking, the Government has not even come to comfort us for what befell us that year. Up to now, I am in trouble. My children need a lot of things. I stay alone at my home and have a lot of work. I cannot do all the work by myself. I am, therefore, asking the Commission to help us.

We do not have land. The land that I was given is very small. It is not enough for me and the children. Before my husband died, he had taken some of our children to boarding schools. Others were in day private schools---

(Ms. Winrose Sang’ started crying)

*(The women in the hall sang a chorus
in praise of God to console her)*

The Acting Chair (Ms. Namachanja): It is okay, my sister.

Ms. Winrose Sang’: I am very bitter for what happened.

The Acting Chair (Ms. Namachanja): It is understood.

Ms. Winrose Sang’: The way I look now is not the way I was when my husband was alive. I do not have any faith in peace but I always pray to God to help me and my children.

The Acting Chair (Ms. Namachanja): Did she say that her husband was a teacher at St. Brigid?

Ms. Ann Kiprotich: Yes.

Ms. Winrose Sang’: Thereafter, my father went to the hospital and witnessed the postmortem operation. The postmortem report was taken to the police station. One day, my father went back to the police station and asked for the report but they did not give it to him. Up to now, we have not received it.

I do not have any employment. I had a small business but when my husband died, I used all the money I had to feed the children.

Commissioner Chawatama: Can we have the full names of the deceased person, the police station and the hospital so that we can follow up the matter?

Ms. Winrose Sang’: Yes.

The Acting Chair: (Ms. Namachanja): Thank you very much for testifying before this Commission. The Commission is going to get your husband’s postmortem report.

We are now going to listen to the next speaker.

Ms. Sarah Cherono Koskei: My names are Sarah Cherono Koskei. I am a squatter across there.

In 2008, during the post-election violence, I was carrying a child. I am a single mother of seven children. The seventh child was the young one. I was in town. I had strapped the young baby on my back because he was sick. He was four years old but he could not walk. I had strapped him on my back because I was coming from hospital.

When I came out of the building, I heard a gunshot and I saw people run away. I also started running away. I fell down and broke my left hand. My child also got hurt. He broke his waist. He became sick and subsequently died. I did not have land. So, I did not have anywhere to bury the body. I approached the area elders and asked them what to do, because I did not have any land. I did not have my father and my mother is far away. There was nobody else who could help me. The body was inside the house. There was nobody to bury him. I did not have money to enable me take the body to where my parents were. There was famine. All my other children are with me, and they are not educated. I do not have any help. I am a squatter and I am requesting the Government to help me in any way. The Government can even give me a piece of land on which to build a house. I do not have any source of income. I am not employed. I cannot even buy clothes for myself.

Look at my hand. I do not even have any strength to help my children or even help myself. I depend on anyone who is willing to help. I thank God because you have come to listen to our cries. The biggest problem we have is lack of land. I am elderly. I cannot work and buy land.

That is all. I do not have much to say.

The Acting Chair (Commissioner Namachanja): I have a question but I can ask it later.

Ms. Anne Kiprotich: Let us take another witness after this lady and I would like her to tell us her story.

Ms. Leah: My name is Leah and my children have gone away. I thank God for the setting up of this Commission. We were chased away but we keep on coming back. We have come to this Commission so that it can listen to our cries. I do not have anywhere to cultivate because we have been told to vacate the land that we are in. We thank God and ask the Government to look at our problems. I am alone in the house. My children went away because I do not have land where they could work on. When they go out and get jobs to do, they remain there. We had land during the time of our parents.

Thank you for coming to listen to us, but there is nothing I can say, except to ask that I get somewhere to rest my head. It is only cries and cries. Are you listening to me? Even if I want to cook, there is nobody to cook for as my children have all gone. When somebody gets sick, he/she is put in a sack. Let the Government listen to us.

Commissioner Chawatama: Could we find out about the land where she is right now?

Ms. Leah: Koitab Chelimo.

Ms. Anne Kiprotich: Thank very much. We are very sorry for you. I would like to welcome those who have just arrived. I would like to remind you that we switch off our mobile phones or put them in a silent mode so that you can avoid causing interference. We have heard from the women and we are thankful.

For those who have not had a chance to speak, there is still an opportunity. If there are women who have joined us from different communities or from different groups, they can also speak on behalf of their fellow women from their community.

So, I would just look around and if you raise your hand, I will give you a chance to give your testimony.

Ms. Cecilia Bore: My name is Cecilia Bore from Ainamoi. Thank you for coming to listen to our cries. My husband was killed on 31st January, 2008. He was coming for lunch from school where he was teaching at Ainamoi and accosted and killed. We got information that the principal had been killed. I became wild and screamed. It was a police officer's shot that killed my husband. When he was taken to hospital, the bullets

were removed from his body and he died. The following day, because the body had been left at the hospital, when my brother in-law went to see what happened, he was also put into a cell. The body was taken to Kericho Hospital Mortuary and the postmortem was carried out but we were not given the result. What do I do? Please help us.

My first born child is in Form Four at Kipsigis Girl's High School. I have one son and seven girls and all of them are looking up to me for everything. I have been praying to God to help me but it is with a lot of pain. We just ask God to help us. There is nothing more I can say but to thank the Commission for coming to listen to our cries.

May God bless you and your families. Thank you.

Ms. Anne Kiprotich: When were you married?

Ms. Cecilia Bore: I was married in 1990.

Ms. Anne Kiprotich: You said your husband died on which date?

Ms. Cecilia Bore: On 31st January, 2008.

Commissioner Chawatama: Could you share with us how you continue to live day by day? What do you do to get food to feed your children? Where do you get school fees for your children?

Ms. Cecilia Bore: I find it difficult but I struggle. For school fees, I used the benefits of my husband though with difficulties. My land is small and because I do not have a job, I just cultivate on my small piece of land.

Commissioner Chawatama: Are there women in your community who have also lost their husbands? And if they are, do you do anything to help each other?

Ms. Cecilia Bore: Yes, there are and we are able to assist each other.

The Acting Chair (Commissioner Namachanja): How do you help each other?

Ms. Cecilia Bore: We are in women groups and merry-go-rounds.

Commissioner Chawatama: Have you benefitted from the women fund?

Ms. Cecilia Bore: There is no help that we have received, but we have registered our group.

Commissioner Chawatama: Could the witness help me understand the meaning of merry-go-round?

Ms. Cecilia Bore: We started the group with the aim of helping one another.

Commissioner Chawatama: I think, maybe, as you give the microphone to the women to speak, let them, first and foremost, tell us their names and where they come from and the information that they are going to share with us, when it happened and then narrate the stories.

Ms. Anne Kiprotich: Thank you very, Commissioner Chawatama. I would like to inform the witnesses that when I give you a microphone, the first thing to do is to tell us your full names, where you come from and when whatever you are telling us happened, especially the date and year. We will also expect you to give your recommendations.

Welcome Stella. Tell us your name and all that I have explained to you.

Ms. Stella Chepkirui: I am called Stella Chepkirui. I work in this town as a teacher at the Kenya Institute of Management. I want the commissioners to understand that we went to Kapsoit and Ainamoi to collect information about what happened under the umbrella of NCKK. What I would like to say is that women do not understand the issue of the killings, yet they are being asked how they are assisting themselves after their husbands' death and whether they are able to help each other through merry-go-rounds. The merry-go-rounds are not registered, but the money from the Government like the Women Fund has not reached them. They do not know that they can access the money from the Government. The help that we got is from other women. There is no help that comes from outside.

Ms. Stella Chepkurui: We are not employed, it is the gardens that we have. We only have one cow which gives us milk but at times it goes dry.

Ms. Anne Kiprotich: The commissioners want to know whether you have got any help from the Government.

Ms. Stella Chepkirui: Some of them are widows. In some areas, away from the Rift Valley, they have improved because they can get resources or access to other funds. When I saw that the information is not coming from the women, I decided to send them messages.

As I had said, under NCKK, we actually did what we could do with the assistance of Mrs. Bett and the South Rift Valley Forum on behalf of women.

Basically, these are donors who are assisting us to move on under other umbrellas. So, were it not for the support of NCKK and South Rift Development Forum through USAID, I do not think we would have even mobilized these women and get their issues known. So, the women have funds and other resources which the Government has been giving out. Our women from this area have not accessed funds. Maybe very few have but only those who are educated are the ones who are aware of these things. So, there is need for a lot of advocacy to be done based on the level of education which has affected us even historically. Education is very expensive to some of us. It is really sad that our

women have had to work very hard, doing casual work which they are not sure whether they can get or not.

I wanted to clarify on the issue on the merry-go-round. Within a group or village, women come together and say, “let us contribute this amount so that we can assist one another.” It is like your money that you have put there and you are going to take it in another day in lumpsum; unlike when you get money from the Government or any other agency. I do not think we have seen assistance in terms of funds. Thank you.

Commissioner Chawatama: Thank you very much for your intervention. Looking at the nine witnesses that we have had so far, the focus has been on PEV. This is only part of our mandate and we will go back to 1963. There are some things that you are still going through that date back to 1963 and, maybe even earlier years. We also want to hear from you whether your lives or that of your children have changed or other things that you are experiencing have changed with the attainment of Independence. Do you have access to health facilities? Is it easy to get your children to school? If you are doing farming, are you able to get your produce to the market? Are there good roads to take your produce to the market? What should we recommend to the Government to do for you?

One of the things that you have mentioned is that you want land. What other recommendations can we make on your behalf that will make your life a bit easy and bearable? We have heard that you have lost your loved ones. This cannot be replaced, but still your livelihood can be improved. Maybe you did not lose your loved ones during the PEV, but maybe you lost your loved ones because you did not have facilities nearby. Maybe you lost a child because the hospital is so far that when you were expecting your child, you could not get to a hospital on time and maybe you got to hospital but there were no doctors or nurses to attend to you. So, we want a full picture of what you are going through.

As an African, I also understand that some cultural issues demand that women have to abide by some things and some of these have not helped us at all. We can laugh and say that a woman cannot eat *enondo*. I do not know whether there is also *enondo* here in Kenya. Those are easy matters. But there are some cultural practices that have held you captive. What are some of these cultural practices? Should we now examine them, look at the more positive ones and keep them? But let us discard the ones that are not improving our lives and find the way forward.

Before we leave, we really want good recommendations from you. We are coming up with a complete and accurate record. There should be a contribution from women who are gathered here. So, please, feel free to share with us.

Ms. Anne Kiprotich: Thank you very much, Commissioner Chawatama, for all that you have explained to us women. Still, this is an opportunity for women to speak out their problems.

(Technical hitch)

As I had explained to you before; in Kericho, we stay together with very many other tribes.

Kindly, it is our time now, wherever you are. Just raise your hand so that I can give you the microphone. This record will be incomplete if all of us would have not contributed and explained our statement before the Commission. Is there any of you who has been born from two families here in Kericho; maybe from a Kikuyu, Kalenjin or Kisii Communities? If there is, kindly, you are welcome so that we can have a full statement from all women representatives.

When we started we said that we want to speak everything. There are other things that have not been mentioned. Do not be quiet about anything, just explain everything. We can go back and talk about rape and other issues which we cannot speak where men are. Today is our day and we are only women here.

Kindly, be free and say everything out. You can also give recommendations on what you want to be done so that when the Commission will be giving the returns, it will include what you would have said. Whoever is ready can come forward.

Ms. Maria Chesang’: My names are Maria Chesang’, the wife of Kirui. I have come from Subukia, a place called Kabati. I have been living in Chepsoen since the post-election time.

I have stayed here for two days. My son went to the police station and told them that his mother went to Kericho. I have my youngest son with me here whom I stayed with at the police station for one month. My son left for Nairobi to stay with his sister. I stayed at Ainamoi. We do not understand why that violence erupted there because we voted well and we used to stay peacefully with all the other tribes.

During the election period, we voted well. From that time, things turned different and I am living in Chepsoen. This is the fourth year now and I am not getting anything. The children are still there and they do not have anything to do or eat. I still have children who are supposed to be in school and one was in Class Eight. When we moved from Subukia that was all. She got pregnant and got a baby in Chepsoen. Then I said to myself: “I do not have a husband and my children are bringing me trouble while I still suffer.” Another child is at large. I have not seen him for two years now. I do not know whether he is alive or not. He is called Daniel Keptrot (?); he left and his wife also followed him..

In Chepsoen, everyone, including the DC, knows me. The DC always tells me: “just stay here, we will help you”. Up to now, nothing has come forth. I always walk around and other mothers give me small jobs to do like sweeping. The children are just there. When they get something small, they bring and we pay rent. Sometimes we do not get rent. My landlord is a man of God. He does not ask for rent.

When I heard about this Commission, I thanked God because He has remembered those of us who stay at the roadside. Those who went to Kipkelion are just staying outside where we have rented a house. But God has helped me because the church elder brought me a blanket which I use at night and food. Little by little, I am being helped. I am just crying to the Government. There is a shamba I left at Kipkelion at a place called Maoni. That shamba is just there. I do not have anything in the house.

The Acting Chair (Commissioner Namachanja): I have a few questions. Does it mean that you are a refugee?

Ms. Maria Chesang’: Yeah, I left the Shamba called Maoni in Subukia area.

The Acting Chair (Commissioner Namachanja): There was assistance from the Government to the displaced people. I do not know whether you or your fellow people got any assistance as displaced persons.

Ms. Maria Chesang’: No, I did not; I only hear – just like a story – that the Government was helping people but I have not seen anything. I do not even have anything to cook in my house. My neighbours give me blankets and even clothes. I have not got anything from the Government. If I had got anything, I would have said it here but they took our names.

The Acting Chair (Commissioner Namachanja): How many IDPs are here approximately? Do you also have other IDPs like you?

Ms. Maria Chesang’: There are also other IDPs like me. They are there in Chepsaina and they are many.

The Acting Chair (Commissioner Namachanja): In that area, how many are you?

Ms. Maria Chesang’: Whoever wrote names knows, because I do not have that paper but there is a young man who was chosen to do the work. He died and another woman took over. It is that woman who has the list. The young man was the one who wrote the names of the IDPs.

The Acting Chair (Commissioner Namachanja): And your husband is?

Ms. Maria Chesang’: My husband is Kalenjin but he died.

The Acting Chair (Commissioner Namachanja): Are you still an IDP?

Ms. Maria Chesang’: Yes, I am.

The Acting Chair (Commissioner Namachanja): Thank you. That is fine. Thank you so much. We are sorry for what happened and we thank you for your statement.

I have seen it behind there; there was someone who raised her hand.

Ms. Juliana Kipkemoi: Thank you. I am called Juliana Kipkemoi from Kaplong'. On 30th December, after the results of the elections were announced, my child went away. He did not take anything. He just went to see what was happening together with his friends. My child was taken to jail. On the second day, we tried looking for the children, but we did not find them. We were told that they were taken to court in Bomet. The following day, I went to Bomet and we were told that they had been taken to Kericho. The following day, I went to Kericho. When I arrived there, the police told me that my son and his friends were not there and that he had died. I then asked him: "Who killed him yet he was not sick?" The child had died in Kericho Prison. When I heard that, I fell down and I got injured. The following day, people came and a postmortem was done on his body. My child was buried. He left behind his wife and four children. We do not have a big land, so I suffer with our children and daughter-in-law. The children do not go to school. At my age, I am not strong enough and I have other orphans. We have suffered since that time and even our cow died. We do not have anything now and they are just there, suffering in poverty and hunger. At times, I would just disappear and leave the children behind because of problems. I have all those children with all those problems. I have not got any help from the Government. I am suffering. That is all I have to say. My son's name was Alvin Kipkemoi and he used to help us. He did not have a job but, at least he used to take care of the cow, which used to provide us with milk.

The Acting Chair (Commissioner Namachanja): I am very sorry, Juliana Kipkemoi. Are there any questions? I know she is not able to say but she said that the son went away. I want to find out where he had gone to. We need such details and, may be, the postmortem results. We would like to know what it says in terms of what killed your son. But we can get such details later if she cannot share that information now.

Ms. Maria Chesang': The postmortem was done at Siloam Hospital. I have the documents.

The Acting Chair (Commissioner Namachanja): Where did the boy go?

Ms. Maria Chesang': He was just taken away while on the highway. He had come out to listen to what was going on. The police took him. He was taken to Bomet and then to Kericho, where he died.

Ms. Anne Kiprotich: The witness has the documents of the postmortem and I will bring them to you, commissioners.

The Acting Chair (Commissioner Namachanja): Thank you so much, Maria, for giving us these documents and your statement. You can now sit down.

Ms. Martha Sitienei: I am Martha Sitienei. When we were evicted from Mau, I abandoned the children and came here. I do not know where they are. I walked until I got to Chepakundi. I was asked: "Who are you?" and said "I am a Kipsigis lady". I was then

asked: “where is your home?” I said it was in Kipsigis land. I did not have clothes. I used to live in my shamba in Mau but the police came and chased us away, and there was shooting.

(The witness broke down and cried)

They shot at a boy. I left the children and the others were beaten. I put a child on my back and took off. When I arrived at Chepakundi, I found a forest. Some Maasai and Kisii came and asked me: “Who are you?” I said, “I am a Kipsigis.” They left me and I found some elephants that had blocked the road. I travelled and arrived in Kericho; I started picking tea. When I arrived here, the chief asked me why I did not want to go back. My child became sick and he was taken to hospital. After I had just arrived, I heard over the radio that the Commission was sitting here and I said I should come. I just walked on the road--- I do not have anywhere to stay. I do not have anything to eat; I have a child who does not work. I tried coming to the DC but I did not get any help and my name was not included in the list of IDPs. But I have a letter from the chief. I have a child who does not go to school. I have left the baby outside because he cannot walk. I do not have anywhere to stay; I do not have anything to eat. I was hit on my back. I was on the road. I do not know where the other children are. There is one called Wesley Kiprono and I do not know where he is up to today. I am just here with God. Wesley is a young adult. I have another child who was hit on his eye. I remember seeing him last in the forest. Some people even tried to kill me in the forest, but they left me. My sons helped me to get out of the forest. It took me three months to come through the forest and I cannot know where my child is. Everything got burned and I am suffering. I have a child who does not walk. So, I am at home with my child. We are living in a slum. Because my name was not included in the list of IDPs, I decided to come to this Commission for help. When I look up and down, it looks the same.

(The witness broke down and cried)

I saw in my sleep people helping me; so I cried. I have come on foot and I said “Lord, open that door for me”. I have nine children and I do not know where the others are. I have been asked where they are. One is in jail. I think he messed up on the streets and he was taken in. I asked myself: “Do I even go to jail and see him?”

I am suffering even with this child who does not walk. Even at this time, he does not walk. I tried seeking a home for him; I have put him on my back until I am tired. The walking sticks have been too easily broken; I have even been requesting for a wheel chair. Even if he gets a school, where do I get money to educate him?

The Acting Chair (Ms. Namachanja): I am sorry, Ms. Sitienei. We want to ask you a few questions so that we can understand clearly the whole story. You said that you were evicted from Mau Forest; when was that?

Ms. Martha Sitienei: It was during the clashes.

The Acting Chair (Ms. Namachanja): Can you remember the year and the month?

Ms. Martha Sitienei: During the clashes, I was at Lelema Forest; that was where we got injured. It was during the month of December.

The Acting Chair (Ms. Namachanja): Who evicted you?

Ms. Martha Sitienei: During the burning of houses we were chased away.

The Acting Chair (Ms. Namachanja): Those houses, were they being burnt by the--- Was the Government doing that work?

Ms. Martha Sitienei: The policemen were the ones who were burning our houses and chasing us away. The houses were burnt even at night and we could not see who they were. How could we tell and it was at night? We did not know who they were. We were injured and chased away.

The Acting Chair (Ms. Namachanja): Were the clashes between the civilians or when the Government was evicting people from the forests?

Ms. Martha Sitienei: It was everybody; people came from Mulot, where houses were being burnt. So, we could not tell. We got injured and we just ran away. Our houses got burned and I lost my child; I do not know where he is. There was a gunshot and some boy was killed; we just saw guns. We just heard gunshots.

The Acting Chair (Ms. Namachanja): It was only one child who got lost and up to now, you have not found him?

Ms. Martha Sitienei: Yes. When he disappeared into the forest houses got burned.

The Acting Chair (Ms. Namachanja): Is he the one?

Ms. Martha Sitienei: Yes, that one; and I have not seen him up to today. I live in a borrowed house – in a rented house.

The Acting Chair (Ms. Namachanja): How old was the boy?

Ms. Martha Sitienei: He was 15 years old.

The Acting Chair (Ms. Namachanja): Was he a boy or a girl?

Ms. Martha Sitienei: He was a boy.

The Acting Chair (Ms. Namachanja): What is his name?

Ms. Martha Sitienei: Wesley Kiprono.

The Acting Chair (Ms. Namachanja): And you have said also that there is another child who does not walk; was he born lame?

Ms. Martha Sitienei: He was born like that; he crawled but never stood up.

The Acting Chair (Ms. Namachanja): That is what I wanted to understand. So, how old is your child now?

Ms. Martha Sitienei: He is 8 years old.

The Acting Chair (Ms. Namachanja): You said that one is in jail; now, how many children do you stay with?

Ms. Martha Sitienei: Yes, there is one who was a *matatu* tout; I do not know what mistake he did, but he was put in. When I asked where he was, I was told that he was in jail.

The Acting Chair (Ms. Namachanja): And then when you came, they refused to write your name down; why were they not writing your name down?

Ms. Martha Sitienei: I came and wrote my name down later on at the DCs office. But when I arrived, others were already being given where to go. When I told the Chief to assist me, he wrote down my name.

The Acting Chair (Ms. Namachanja): Did you get any help thereafter?

Ms. Martha Sitienei: By the time my name was written, other people's names had already been remitted; so, I did not get any help. When I went for help, I was told that my name was not there.

The Acting Chair (Ms. Namachanja): You said one child was injured in his eye; who beat the boy?

Ms. Martha Sitienei: When people were throwing stones, we could not tell, but he got injured in his eye. The Government came and took them to hospital in Tenwek. Now he is at home; I am with him.

The Acting Chair (Ms. Namachanja): The eye was treated and now he can see?

Ms. Martha Sitienei: He discharged himself from hospital because he did not have money for treatment. He is even with me here.

The Acting Chair (Ms. Namachanja): Thank you so much, *Mama Sitienei*.

Ms. Anne Kiprotich: We will go on getting statements from other people.

Ms. Alice Bett: I would just like to clarify two points that arose during the evidence of Martha. One, when she was asked whether the child was born with a disability--- From the explanation that she gave, I understood that she suffered trauma during the eviction exercise, and that as she was fleeing from the camp during that exercise, she sustained a fall. Thereafter, she gave birth prematurely and her baby was placed in an incubator. That could be the reason why that baby suffered a disability.

Madam Chair, she also said that her name was not listed among the Mau Evictees and hers is only one example of the plight of many victims of displacement from this region. It appears that the Government only recognizes that one is an IDP if they are in a camp. For those IDPs who sought refuge amongst relatives or those that looked for jobs to sustain themselves, or those that were integrated back to the community, the Government ignored their plight; so they were not considered for compensation or for resettlement.

Thank you very much, Madam Chair.

Ms. Anne Kiprotich: Thank you so much, Ms. Bett for your clarification. May be we can get back to the Chair so that she can tell us the time that is remaining because we have other plans ahead of us. I can see that we are a bit behind because we were supposed to finish this at 12.30 p.m. Let her guide us before we finish.

The Presiding Chair (Commissioner Chawatama): I felt that it was important for us to hear from our sisters living with disabilities. I think they have something to quickly share with us, like some of the challenges that they are facing and which they have faced in the past.

I would also suggest that you may speak to the people who had their hands up and find out if there is an issue that has not already been tackled, or whether it is just a contribution on something that has already been mentioned. Then we will allow you the discretion to choose one other person on an issue that has not been tackled. I think we will give our sisters five to seven minutes just to share their experiences with us.

Ms. Anne Kiprotich: Thank you so much for that guidance. We are going to hear from our sisters who have a disability. Is there anything that has not been discussed here that arose in 2007/2008?

Ms. Naomi Chepng'eno Kirui: My name is Naomi Chepng'eno Kirui. I was born in Kipkellion Constituency and our village is Sosiot. I am a mother of three children and I would like to thank the TJRC for meeting us here so that we can also give our grievances like the disabled. Today, I would like to thank the forum, South Rift Development Fund, because they also brought awareness to us about the injustices that we have aired today; we got a chance of airing our grievances.

My problem is not related to the clashes or anything to do with the post election violence; ours is work-related. We were employed by the Kenya Telkom; I was employed in 1990.

I worked for 16 years. Then I think our Government, starting from the regime of retired President Daniel arap Moi, had a lot of work. We can say there was squandering of money or corruption in most of the corporations of the Government. This was the time when Kenya Telkom saw it fit to retrench some of its workers. During that blunder of privatizing the corporations, many employees, including the disabled, lost their jobs.

The disabled and others in that company were retrenched in 2007 and 2008. I am one of the employees who were affected. According to the Act on the disabled such people are supposed to be retired from work at the age of 65 years. Our Government was unfair because it did not take care of the disabled who worked in this company. They could have been given a chance to retain their work but letters came and we were retrenched. I was retrenched when I still had a big loan that I was servicing. I had joined a housing scheme and had been given a big loan for a house. So, when I was retrenched I had a big debt and the company had to get the money from the benefits I was to be given. I remained with something very small that could not sustain me. Life is difficult because I have children in school who depend on me.

When we were told about this Commission, we felt that we should come over and air our grievances so that the Government can help us. This is the time our children need education. We are in our early 40s and life is still difficult in terms of feeding the children and taking them to school.

I request the Government to help us because we have undergone a lot of suffering. Movement is a problem because of our disability and we are not able to do business with the small amount of money we were given. There was a time I went to the town council when they were renting out stalls for business. I applied for one, but it was difficult because people like us do not have a place in the Government. Given a chance, I can take care of myself because I believe that disability is not inability.

I am appealing to the Government to help us. Thank you.

Ms. Christine Chepkemoi: My names are Christine Chepkemoi. I have three children and all of them are in school. My girl is through with school but I cannot take her to college for lack of money. I was retrenched in 2007 when I was servicing a loan for a shamba. The loan was recovered and we are just there.

The Government should assist us get some business to do even if we cannot move from one place to another because we can sit and work.

Thank you.

Councillor Hellen Chepkwony: I am Councillor Hellen Chepkwony and I come from Ngoina, Bureti Constituency, Bureti District. I stay at the border between the Kisii and Kipsigis. During the PEV I suffered a lot because I am right at the border. On 30th January, we were attacked by the Kisii at a canteen near my home. They took 11 of our cattle, broke the canteen and took everything that was there. They then came to my place

at 1.00 a.m. By good luck there were guards we had employed to take care of the school and home. They woke us up and alerted us that we were being attacked. They advised us to scream for help but I warned them that that would send the students into panic and shock. So, we called our neighbours who came over to help us and one Kisii was killed that night.

Violence erupted at 5.00 a.m, three Kisii were killed and the DC came from Nyamira at about 8.00 a.m. The bodies of those who were killed were left on the road. I had been elected and so I called the DC to ask him why we were being attacked by people who had come five kilometers from the border. When the DC was on his way we heard screams from a bus and I had to stop the vehicle in the middle of the road so that the DC and the policemen could hear our grievances. We went where the screams were coming from at a place called “Kiobe” and found very many people there. On one side of the road were the Kisii and the police and on the other side were civilians who were unarmed. We saw a person who was armed and asked him why they were armed and he said that they had gone to attack the Kipsigis who had gone to the market but people saw them and screamed. One of them was not able to run away, he was shot with arrows and he could not cross the river.

I told the DC to see for himself what had happened because we had already lost three lives. The victim died in our presence and I told the DC that we were being provoked. We had no war with those people, but they always came to attack us. There is a boy who was attacked and he died at Litein Hospital. I told the DC that the Kisii had the askari on their side and we had none. We sought dialogue. We got a report that the MP for Ainamoi had been killed by that tribe. We dispersed and went home.

After two days we called for another meeting. I asked the DCs to tell us who was provoking who but they did not want to listen to me. They said that they were only interested in peace. I told them we could only get peace after we get a solution to the problem at hand. I stood firm and told them that we had to talk about that matter. The following day I was arrested. I was taken to the CID where we were being treated like children. I told my fellow councilors that we were being arrested. We asked them to arrest us if that is what they wanted to do. We were asked to record a statement which we did. They wanted to take us to Nakuru but we refused. We engaged a lawyer, Mrs. Bett. We had to take a bond of Ksh10, 000 each and were set free at about 2.00 p.m.

When we were still in but we could hear gunshots. So, when we were freed we knew these people were going to kill us. The four of us held onto the OCPD’s hand and told him to guarantee our security because there were many loud gunshots. It was a matter of life and death. The OCPD went with us to a shop where we locked ourselves up. After a few minutes we heard that two teachers had been killed.

The Government does not consider women issues. We are happy because the new Constitution considers women. We are pleased about the one-third rule in the Constitution. We know there are those who are not happy about that. The other day, the Cabinet wanted to remove that clause. If the DCs listened to me, I would not have been

arrested. The journalists wrote that we wanted the Kisii to kill them and yet we had been attacked. The Government does not listen to women and we want the TJRC to look into women issues. The men are exploiting us. Our in-laws do not recognize us when our husbands die. They do not allow us to inherit our husbands' property. The in-laws take the property because the culture exploits us. We want the TJRC to listen to us. We have heard the cries of the disabled and the girls at home. Women have a lot of grievances. Despite the formation of many commissions, people are still inciting others and war can erupt. The Government is keeping quiet about people trading insults and yet it is we women who suffer when there is war. We carry our children on our backs and yet we cannot run the way men do. The Government does not see that. We want peace.

We are not even given money for women projects and when money is available, we are given conditions that we cannot meet. We do not have title deeds like the men. When money comes they gave a group of 15 people Ksh50, 000. Which business can you invest in with Ksh50, 000 and get good returns? If you have children in secondary school what can Ksh50, 000 per group do? That is an injustice to us. We need to be given enough money that will enable us make profit, feed ourselves, pay fees and repay the loan. The Government is proud that it gives us money through the Women Enterprise Development Fund (WEDF) and yet the money does not benefit us at all. We need something that will benefit us.

We do not have an NGO here in Kericho which can help us on the ground and yet we have very many people who are disabled and poor. We need NGOs here to help all of us. Kericho and Bomet are high potential areas. It is only that funds need to be given to us so that we start on our own because we do not want to be beggars always. We can make it on our own if we are given support.

Look at the mothers who are suffering. Nobody is looking into their issues. Our people never went to the camps because the Kipsigis have a belief. We do not want to be beggars. We are living with these people. They were not taken to the camps because we do not want them to be in the street. We, therefore, want the Government to register those people in our homes and resettle them. However, it is not only those who are in the camps who should be recognized.

We love people and that is why here in Rift Valley we accommodate other tribes. That is why we believe in honesty. We want the Government to collect all the IDPs in our homes, allocate them land and support them. We do not want to be told that there are no IDPs in Kipsigis land.

We have people who do not have land and they must be given land in Rift Valley Province. That is our demand and we are not going to beg. It is our demand that they must be compensated. How can we reconcile when our children are suffering? Please take this message to the Government. We are going to reconcile after these people have been supported. You cannot see a person occupying your land and yet you remain hungry and then keep quiet.

My last sentence is: Settle the landless in Kipsigis and there will be peace in the country.

(Applause)

The Presiding Chair (Commissioner Chawatama): Thank you very much for your contribution. I understand why you are a leader. I pray that you continue to speak for the voiceless. In every meeting and forum that you attend, speak for the poor, the widows and the orphans. Even biblically, if the poor, the widows and the orphans are not looked after, that land does not prosper. That is displeasing to the Lord. Continue to encourage others to join you in leadership. I hope that when I visit, maybe, in three years time, we will listen to a different story.

I wish to acknowledge the work that has been done by South Rift Forum. Even though you have said that you do not have an NGO, the work that you have undertaken is tremendous. It is because of them that our hearings yesterday were successful.

Not all women have spoken, but you know one person can open a door and many people can go through that door. This is what we have seen. Among the issues you raised before us are killings of husbands and sons and the hardships these killings have brought on the lives of many women. You also talked about the anxiety that you were unable to obtain postmortem reports. You talked of evictions that have led to loss of homes, property and lives. As a result, many women have suffered. So many of them are now paying rent thereby suffering more.

We have heard of issues of retrenchment and the hardships of being unemployed, for example, being unable to educate children. It is bad when a parent cannot provide for the children. This feeling of helplessness takes away one's dignity.

We have heard how traditional laws exploit women and you want to see the Government act. This is what we will take back. We will tell the Government what you have told us. We will tell them that you want peace and land.

We thank you for your contributions. May the Lord God of Abraham, Isaac and Jacob continue to bless you. If you have anything that you wish to bring to our attention, we have a regional office. So, your contributions are welcome.

On behalf of the Acting Chair and on behalf of the Commission, I thank you for your time.

(The Commission adjourned at 1.45 p.m.)